IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.9922 OF 2002

Between:

K.Changalrayulu

.... PETITIONER

AND

The Commissioner, Srikalahasti Municipality,
Srikalahasti, Chittoor District.

....RESPONDENT

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.9922 OF 2002

O R D E R

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Alleging that he is the absolute owner of Plot No.63 measuring an extent of 241.2/3 square yards in Sy.No.32/4 at Eedulagunta alias Chilakavari Kandriga Village, having purchased the same from its lawful owner under a registered sale deed for valuable consideration and that respondent Municipality had during his absence constructed a shed in that plot for performing obsequies without notice or permission from him and that the respondent inspite of his issuing a registered notice and making several representations, respondent is not removing the shed, nor is paying compensation to him for the encroachment made by it, petitioner filed this petition seeking compensation under the provisions of Land Acquisition Act for the encroachment b the respondent by constructing a shed therein.

Though the case is of the year 2002, respondent did not choose to file any counter-affidavit on its behalf till today.

Heard the learned counsel for the petitioner.

Though the petitioner is claiming to be the owner of the land in which the respondent made the constructions and as the respondent did not deny the ownership of the petitioner of the said land by filing a counter-affidavit on its behalf and as it is not the case of the

respondent that it has obtained consent of the petitioner for constructing a shed in the land of the petitioner, respondent has either to remove the shed constructed by it in the site of the petitioner without obtaining permission from him or pay compensation under the provisions of the Land Acquisition Act for the area occupied by it for construction of the shed in his land for public purpose.

Therefore, I am disposing of this petition with a direction to the respondent either to remove the shed constructed by it in Plot No.63 measuring 241.2/3 square yards belongong to the petitioner or acquire the said property under the provisions of the Land Acquisition Act by paying 80% of the compensation payable immediately on the issuance of the notification, and complete the process of acquisition within a period of three months from the date of receipt of a copy of this order. No order as to costs.

JUSTICE C.Y.SOMAYAJULU

14th DECEMBER, 2007

PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.9922 OF 2002

14TH DECEMBER, 2007